

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/673,510
Attorney Docket No. Q77770

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Claims 1-23 are all the claims pending in the application. Applicant respectfully submits that the pending claims define patentable subject matter.

Claim Rejections- 35 U.S.C. § 102

Claims 1-4, 8-10, 15 and 17-21 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Kitahara (JP 2001-277524 A). Applicant respectfully traverses the 35 U.S.C. § 102 rejection, as set forth below. The following remarks are for independent claim 1 but apply by analogy, at least in part, to independent claim 20.

Claim 1 recites that both the first part and the second part are opposed to the liquid supply passage.

Kitahara (JP '524) fails to teach or suggest that both the first part and the second part are opposed to the liquid supply passage. In particular, with respect to Figs. 1 and 2, Kitahara does not teach that both layers 5 and 6 are opposed to the ink supply port 9.

For at least the foregoing reasons, claim 1 is not anticipated or rendered obvious by the teaching of Kitahara (JP 2001-277524). Similarly, claim 20 is patentable over the teaching of Kitahara (JP 2001-277524). Therefore, the 35 U.S.C. § 102 rejection of claims 1-4, 8-10, 15 and 17-21 should be withdrawn.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/673,510
Attorney Docket No. Q77770

Claim Rejections- 35 U.S.C. § 103

Claims 5, 16 and 23 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kitahara (JP 2001-277524 A) in view of Tanaka et al.

Claim 6 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kitahara (JP 2001-277524 A) in view of Kitahara (U.S. 6,322,203 B1). Applicant respectfully traverses the 35 U.S.C. § 103 rejections, as set forth below.

As discussed above, Kitahara (JP 2001-277524) is deficient vis-à-vis base claims 1 and 20. Tanaka and Kitahara (U.S. 6,322,203) do not compensate for the deficiencies of Kitahara (JP 2001-277524).

For at least the foregoing reasons, claims 1 and 20 are not anticipated by or rendered obvious by the individual or combined teachings of Kitahara (JP 2001-277524), Tanaka, and Kitahara (U.S. 6,322,203). Thus, claims 5, 6, 16 and 23 are patentable at least by virtue of their respective dependency from claims 1 and 20. Therefore, the 35 U.S.C. § 103 rejection of claims 5, 6, 16 and 23 should be withdrawn.

Allowable Subject Matter

Claims 7, 11-14 and 22 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Applicant has not rewritten the objected to claims in independent form, as Applicant believes the present Response should place this application in condition for allowance.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/673,510
Attorney Docket No. Q77770

SUBSTANCE OF THE INTERVIEW

During the interview with the Examiner on August 31, 2006, the principal claims discussed were independent claim 1 and 20. The prior art discussed was Kitahara (JP 2001-277524 A) which was applied in the 35 U.S.C. § 102 of the claims.

Applicant argued that Kitahara fails to teach or suggest wherein the sealing section seals an area of the flow passage formation section corresponding to both the liquid supply passage partition wall parts and the liquid supply passage of the flow passage formation section, and the sealing section sealing the area has a first part and a second part being greater in thickness than the first part; and wherein the head case section is separated by a vacancy from the first part of the sealing section at the area.

Although the Examiner recognized that he was broadly reading the reference Kitahara (Figs. 1 and 2), independent claims 1 and 20 were not allowed over the reference. However, an agreement was reached that if independent claims 1 and 20 were amended to clarify the "area", the broad reading of Kitahara would be obviated.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Applicant herewith petitions the Director of the USPTO to extend the time for reply to the above-identified Office Action for an appropriate length of time if necessary. Unless a check

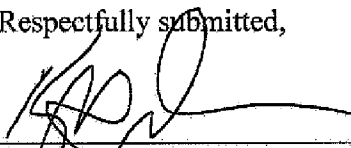
AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/673,510
Attorney Docket No. Q77770

is attached, any fee due under 37 U.S.C. § 1.17(a) is being paid via the USPTO Electronic Filing System (EFS). The USPTO is also directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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Respectfully submitted,



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